

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
May 6, 2013**

Mayor Zimmerman called the meeting of the Borough Council of the Borough of Rocky Hill to order at 7:30 PM followed by the salute to the Flag.

NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

Mayor Zimmerman read the following statement into the record: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings transmitted to the Courier News and Somerset Spectator on January 16, 2013. Notice remains continuously posted as to required notices under the Statute. A copy of this notice is available to the public and is on file in the Office of the Borough Clerk.

ROLL CALL

Mr. Tom Bremner-present, Mr. Jeff Donahue-present, Ms. Connie Hallman-present, Ms. Julia Hasser-present, Bob McKelvey-present, Mr. Mark Pausch-present.

Also present: Mayor Zimmerman, Borough Clerk Rebecca Newman, Deputy Clerk Christine Witt, Attorney Timothy Beck, CFO Joe Monzo, and Borough Engineer Bill Tanner.

MAYOR'S COMMENTS

Mayor Zimmerman announced that the Borough received a grant in the amount of \$175,000 from the NJ DOT for phase 2 of the Downtown Beautification project. Rutgers has offered an environmental intern to work on flooding issues. The County repaved a portion of Rt. 518. PSE&G is almost done with the pole replacement project on Princeton Ave. and is also repairing storm-damaged poles throughout the town. The Mayor attended the NJ Conference of Mayors. Issues discussed at the conference include moving school taxes off property taxes and putting them on income and sales tax instead, as well as issues related to the increased number of tax appeals. The next SCGOA meeting will be on the topic of municipal electric aggregation. The state plans to take money from COAH accounts.

APPROVAL OF MINUTES

Regular Meeting Minutes – April 15, 2013–Motion was made by McKelvey to approve the minutes. Bremner seconded motion. Motion carried on roll call vote.

For: Bremner, Donahue, Hallman, McKelvey, Pausch

Against: None

Abstain: Hasser

PUBLIC COMMENT

The floor was opened to the public for comments/questions.

Ray Whitlock of 94 Crescent Ave. asked the Council to purchase replacement batteries for the speed monitor. Hallman made a motion to purchase 4 batteries not to exceed \$350, and Pausch seconded the motion. Motion carried on roll call vote.

For: Bremner, Donahue, Hallman, McKelvey, Pausch

Against: None

Abstain: None

STATE POLICE REPORT

No report.

ENGINEER'S REPORT

Report dated May 5, 2013 was distributed and filed in the Borough Clerk's office. Engineer Tanner gave

an overview of the report.

Drainage at the Pond

Need to send a PO in the amount of \$850 to Montgomery Township.

Crosswalk Signs/Washington Street Beautification

Only received one bid on the project, which must be rejected because it is over budget.

Lawn Mowing Contract

Low bid for regular mowing was from G&T Landscaping. Spring mowing of Green Acres will be done by JML before July 4th.

NJDEP Annual Stormwater Permit Filing

Discussed ways to get points for annual permit.

CHIEF FINANCIAL OFFICER'S REPORT

The CFO and Mayor will be meeting with the Local Finance Board on May 15th to get a spending cap waiver. The budget may need to be amended based on questions from the State Examiner.

APPROVAL OF VOUCHERS

Bill list dated May 6, 2013 was presented for approval. Bremner made a motion to approve all vouchers except voucher 7618. Motion seconded by Hasser. Motion carried on roll call vote.

For: Bremner, Donahue, Hasser, Hallman, McKelvey, Pausch

Against: None

Abstain: None

Donahue moved to approve voucher 7618, and Pausch seconded the motion. Motion carried on roll call vote. Bremner and Hasser recused themselves from vote.

For: Donahue, Hallman, McKelvey Pausch

Against: None

Abstain: None

SPECIAL BUSINESS

Resolution 2013-33 Appointing an OEM Coordinator and Deputy OEM Coordinator

Pausch moved to approve the resolution as modified. Donahue seconded the motion. Motion carried on roll call vote. For: Bremner, Donahue, Hallman, McKelvey Pausch

Against: None

Abstain: Hasser

Resolution 2013-34 Possible Award of Contract to G&T Landscaping for 2013 Mowing

Bremner moved to approve the resolution. Pausch seconded the motion. Motion carried on roll call vote.

For: Bremner, Donahue, Hasser, Hallman, McKelvey, Pausch

Against: None

Abstain: None

Resolution 2013-35 Possible Award of Contract to JML Landscaping for the Lawn Mowing of the Green Acres Property (Section B)

Hasser moved to approve the resolution. Donahue seconded the motion. Motion carried on roll call vote.

For: Bremner, Donahue, Hasser, Hallman, McKelvey, Pausch

Against: None

Abstain: None

Discussion of Rocky Hill Water & Sewer Rates

The Council discussed possible rate increases. The CFO explained that current revenues of the Water/Sewer utility do not meet recurring expenses. The revenue is approximately \$213,000 and expenses are approximately \$263,000. For this year, the CFO will ask the Local Finance Board to allow the general fund to cover the difference. After this year, the utility will need to increase fees.

Update on PSE&G Project

This matter was discussed in Mayor's comments.

UNFINISHED BUSINESS**Ordinance 2013-01: Public Hearing: Ordinance to Exceed the Municipal Budget Appropriations Limits and to Establish a Cap**

McKelvey moved to approve the ordinance. Hasser seconded the motion. Motion carried on roll call vote.

For: Bremner, Donahue, Hasser, Hallman, McKelvey, Pausch

Against: None

Abstain: None

Ordinance 2013-02: Public Hearing: An Ordinance Repealing and Replacing Section 103-1 Titled "Licensing Required" and Section 103-4 Titled "Food Handler" Course Required of the Code of the Borough of Rocky Hill

Pausch moved to approve the ordinance. Bremner seconded the motion. Motion carried on roll call vote.

For: Bremner, Donahue, Hasser, Hallman, McKelvey, Pausch

Against: None

Abstain: None

NEW BUSINESS

None

COMMUNICATIONS

Communications as listed were distributed, disseminated and filed accordingly.

FINAL PUBLIC COMMENT

The floor was opened to the public for comments/questions.

Cliff Moore of Skillman Ave. asked if the installation of new poles by PSE&G will improve service to his home.

Ray Whitlock of 94 Crescent Ave. questioned the route of the new PSE&G poles.

ADJOURNMENT:

Motion was made by Bremner with a second by Pausch to adjourn the meeting at 8:50 PM. Motion carried on voice vote.

Respectfully submitted:

Christine Witt
Deputy Borough Clerk

MAY 6, 2013

List of Bills - (0110101001) CASH CURRENT FUND

Check#	Vendor	Description	Payment	Check Total
7615	60 - COURIER NEWS	PO 4317 Legal advertising	40.92	40.92
7616	71 - DIFRANCESCO BATEMAN PC	PO 4329 Legal Services	2,274.66	2,274.66
7617	122 - KENCOR INC	PO 4324 Bi-monthly elevator service	75.00	75.00
7618	360 - MCNEIL & COMPANY INC	PO 4331 First Aid Squad insurance	3,605.00	3,605.00
7619	319 - RARITAN VALLEY DISPOSAL INC	PO 4316 March 2013 garbage collection	3,808.49	3,808.49
7620	354 - RICOH USA, INC.	PO 4325 Copy machine rental	124.50	124.50
7621	247 - SOMERSET COUNTY TREASURER	PO 4321 Q1 2013 Household Recycling fee	1,741.05	1,741.05
7622	247 - SOMERSET COUNTY TREASURER	PO 4322 County Health Dept. fees April 2013	993.67	993.67
7623	248 - SOMERSET CTY GOV. OFFS. ASSOC.	PO 4323 April meeting-Zimmerman	35.00	35.00
7624	251 - SOUTH BOUND BROOK BOROUGH	PO 4328 South Bound Brook police service an	5,081.41	5,081.41
7625	452 - SPRINT-NEXTEL CORP	PO 4332 Mayor and Clerk's cell phones	165.65	165.65
7626	285 - VALLEY OIL COMPANY	PO 4334 Maintenance on furnace	187.50	187.50
7627	289 - VERIZON	PO 4319 EMS phone	77.48	77.48
7628	289 - VERIZON	PO 4320 Borough Hall phone	299.27	299.27
7629	530 - WOOLSON SUTPHEN ANDERSON	PO 4326 Planning Board legal fees	1,750.00	1,750.00

TOTAL

20,259.60

1017

Stat of NJ

Dog fees

49.20

Total to be paid from Fund 01 CURRENT FUND

20,259.60

20,259.60

List of Bills - (0810101001) CASH UTILITY OPERATING

Check#	Vendor	Description	Payment	Check Total
6780	37 - CASTORO & CO INC	PO 4327 Work on Meter Pit located on Skillm	3,456.00	3,456.00
6781	311 - TIM LESKO	PO 4333 Water Dept. maintenance	205.00	205.00
6782	322 - VECTOR SECURITY	PO 4330 Water Dept. service	105.00	105.00
6783	289 - VERIZON	PO 4318 Water Dept. phone	29.49	29.49
TOTAL				3,795.49

Total to be paid from Fund 08 UTILITY OPERATING

3,795.49

3,795.49

BOROUGH OF ROCKY HILL
COUNTY OF SOMERSET

RESOLUTION 2013-33

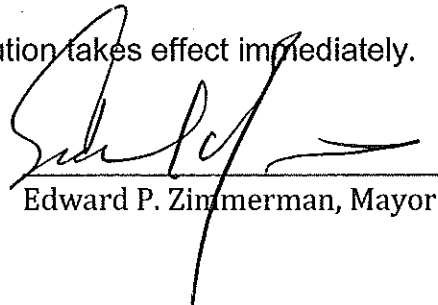
WHEREAS, Mayor Edward P. Zimmerman the Emergency Management Coordinator resigned his position; and

WHEREAS, the Borough is required to have an Emergency Management Coordinator at all times.

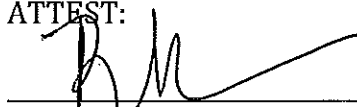
NOW THEREFORE BE IT RESOLVED, that the following appointments are made:

EMC	Todd Harris, Fire Chief(Rocky Hill) (term to end 12/31/2014)
Deputy EMC	Edward P. Zimmerman, Mayor (Rocky Hill) (term to end 12/31/2014)

BE IT FURTHER RESOLVED, that this resolution takes effect immediately.


Edward P. Zimmerman, Mayor

ATTEST:


Rebecca Newman, RMC
Borough Clerk

CERTIFICATION

I, Rebecca P. Newman, Borough Clerk of the Borough of Rocky Hill, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Rocky Hill on May 6, 2013.

Rebecca P. Newman
Borough Clerk

RESOLUTION 2013 -34

**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

WHEREAS, the Borough of Rocky Hill desires to enter into a contract for lawn services; and

WHEREAS, the Borough has received four quotes for this work because the work is below the bid threshold as follows:

John Kessler, Monmouth Jct., NJ	Section A - \$8,290.00
G&T Landscaping, Hillsborough, NJ	Section A - \$8,100.00

WHEREAS, the quote that is most advantageous to the Borough for Section A, Items (Lawn Area Maintenance Services) of the bid summary is from G&T Landscaping, Hillsborough, NJ in the amount of \$8,100.00; and

WHEREAS, the total value of these services for the year 2013 is less than \$17,500 and, therefore, these services are exempt from the Local Unit Pay-to-Play law, N.J.S.A. 19:44A-27.7 et seq.; and

WHEREAS, approval of said resolution is conditioned upon there being sufficient funds in the Borough's budget to pay for these services;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, as follows:

1. That the Borough Council confirms the award of contracts as follows:
 - Section A of the bid summary from G & T Landscaping, Hillsborough, NJ in the amount of \$8,100.00
2. Availability of funds for the award of said contract from the Borough of Rocky Hill budget have been certified by the Chief Financial Officer.
3. This Resolution shall take effect immediately.

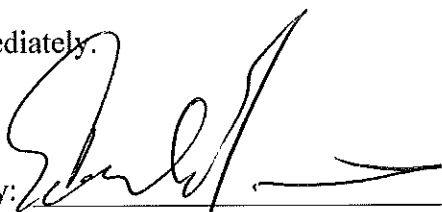
ATTEST:

By:


Rebecca P. Newman, RMC

Borough Clerk

By:


Edward P. Zimmerman,
Mayor

I, Joseph P. Monzo, Chief Financial Officer of the Borough of Rocky Hill do hereby certify that funds for this contract are available from:_____.

Joseph P. Monzo, Chief Financial Officer

CERTIFICATION

I, Rebecca P. Newman, Acting Borough Clerk of the Borough of Rocky Hill do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on May 6, 2013.

Rebecca P. Newman
Borough Clerk

RESOLUTION 2013-35

**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

WHEREAS, the Borough of Rocky Hill desired to enter into a contract for lawn maintenance service for section B; and

WHEREAS, the Borough solicited quotes for this work because it is below the bid threshold; and

WHEREAS, the following quote was received:

- JML Landscaping Inc., Hillsborough NJ Section B - \$3,425.00

WHEREAS, the total amount of the contract is below the bid threshold and will not exceed \$17,100.00 pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, there are sufficient funds in the Borough's budget to pay for this service.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, as follows:

1. That the Borough of Rocky Hill awards a contract extension to JML Landscaping, Inc. to perform the following services: lawn maintenance services, Section B, in the amount of \$3,425.00.
2. That there are sufficient funds in the Borough of Rocky Hill budget for this purchase as certified by the Chief Financial Officer.
3. This Resolution shall take effect immediately.

ATTEST:

By: 

Rebecca P. Newman
Borough Clerk

By: 

Edward P. Zimmerman, Mayor

I, Joseph P. Monzo, Chief Financial Officer of the Borough of Rocky Hill do hereby certify that funds for this contract are available from:_____.

Joseph P. Monzo, Chief Financial Officer

CERTIFICATION

I, Rebecca P. Newman, Acting Borough Clerk of the Borough of Rocky Hill do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on May 6, 2013

Rebecca P. Newman
Borough Clerk

2013-01
ROCKY HILL BOROUGH
SOMERSET COUNTY

CALENDAR YEAR 2013
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5 % unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Rocky Hill in the County of Somerset finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 6,429 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

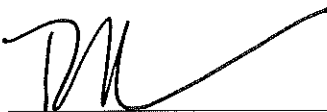
NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Rocky Hill, in the County of Somerset, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Borough of Rocky Hill shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5% amounting to \$ 665,408 and that the CY 2013 municipal budget for the Borough of Rocky Hill be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

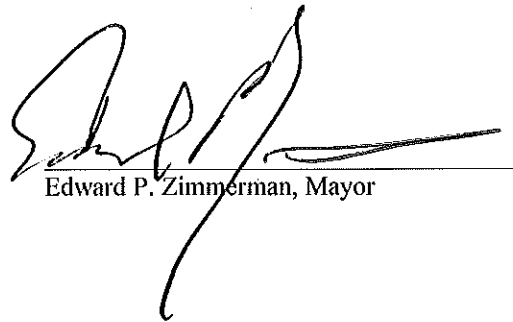
BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ATTEST:



Rebecca Newman, RMC
Borough Clerk



Edward P. Zimmerman, Mayor

(Revised March 18, 2013)

EXPLANATION: This Ordinance repeals and replaces Section 103-1 titled "Licensing required" and Section 103-4 titled "Food handlers' course required" of the Code of the Borough of Rocky Hill.

BOROUGH OF ROCKY HILL
ORDINANCE NO. 2013-02

AN ORDINANCE REPEALING AND REPLACING SECTION 103-1 TITLED "LICENSING REQUIRED" AND SECTION 103-4 TITLED "FOOD HANDLERS' COURSE REQUIRED" OF THE CODE OF THE BOROUGH OF ROCKY HILL.

BE IT ORDAINED by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, as follows:

Section 1. Chapter 103 of the Code of the Borough of Rocky Hill titled "Food - Handling Establishments" is amended as follows:

§103-1 titled "License required" is repealed and replaced with:

§103-1. License required.

A. No person shall conduct a retail food establishment (as defined in and governed by the New Jersey State Sanitary Code, Chapter 24, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines) in the Borough of Rocky Hill, Somerset County, New Jersey, without first having procured a license from the Rocky Hill Board of Health or without complying with any or all of the provisions concerning operation and maintenance of such as contained in the New Jersey Sanitation Code, Chapter 24, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines. *Editor's Note: See N.J.A.C. 8:24-1.1 et seq., Retail Food Establishments and Food and Beverage Vending Machines.*

B. No license shall be issued to a retail food establishment until it has passed a preopening inspection by the Health Services Provider of the Rocky Hill Board of Health.

C. When retail food inspections are conducted, the following grading system shall apply:

(1) "A" shall mean that the retail food establishment

is found to be operating in substantial compliance with all local and state codes and regulations.

(2) "B" shall mean that the retail food establishment is found to be operating in acceptable compliance with all state codes and regulations.

(3) "C" shall mean receiving a conditionally satisfactory inspection, with three or more critical violations requiring correction and reinspection.

If the food establishment grade is "C" Conditionally Satisfactory, upon subsequent correction of violations and reinspection, the establishment can receive a grade of no higher than "B" Satisfactory until the next routine inspection.

(4) An "unsatisfactory" rating shall mean that the retail food establishment is operating with one or more violations that constitute gross unsanitary or public health hazards.

(5) The assignment of grades shall be determined by a 100-point system in which violations are assigned a point value which is deducted from the starting value of 100 points. Violation points are weighted based on whether they are critical items, non-critical items, or public health hazards. The grades are as follows:

Satisfactory - A	90-100
Satisfactory - B	86-89
Conditional Satisfactory - C	61-85
Unsatisfactory	<61 or Uncorrected Public Health Hazard.

D. Inspections shall be performed annually, except that reinspections shall be performed where retail food establishment receives a grade of less than "B" Satisfactory.

E. A retail food establishment may be inspected more than once annually if the Health Services Provider deems it appropriate.

F. The retail food inspection evaluation placard shall be posted immediately in a conspicuous place near the public entrance of the establishment in such a manner that the public may view the placard.

Section 103-2 titled "License fees" remains unchanged.

Section 103-3 titled "Revocation of license" remains unchanged.

Section 103-4 titled "Food handlers' course required" is repealed and replaced with:

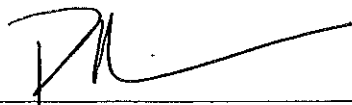
§103-4. Food handlers' course required.

As a condition of licensing, each establishment where food is prepared, handled or packaged must have on the premises at least one person who has successfully completed a basic food handler's program at all times during which the establishment is in operation. Acceptable food handler's programs include those offered by the Health Services Provider or a similar approved program offered within the State of New Jersey. Said training shall be valid for a period of three years. A copy of all current certificates of course completion shall be maintained on site and be available to the Health Services Provider on request.

Section 2. Severability. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

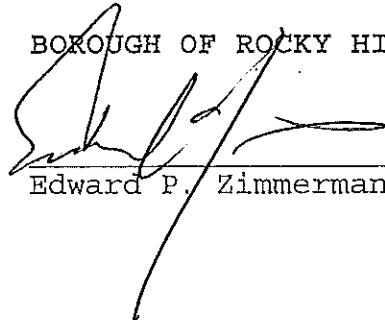
Section 3. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:



Rebecca P. Newman, Clerk

BOROUGH OF ROCKY HILL



Edward P. Zimmerman, Mayor

Introduction _____, 2013

Final Adoption 5/6/13, 2013